



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We Protect Hoosiers and Our Environment.

Mitchell E. Daniels Jr.
Governor

Thomas W. Easterly
Commissioner

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October 26, 2010

Mr. Kevin Pierard, Branch Chief
NPDES Programs Branch
Water Division, WN-16J
U.S. Environmental Protection Agency
77 W Jackson Blvd
Chicago, IL 60604-3590

Dear Mr. Pierard:

Re: NPDES Permit No. IN0000175
301(g) Variance Application
ArcelorMittal Burns Harbor, LLC
Burns Harbor, IN Porter County

My staff has reviewed the application submitted by ArcelorMittal Burns harbor, LLC. for the renewal of the variance under Section 301(g) of the Clean Water Act from the more stringent best available technology (BAT) effluent limitations guidelines (ELGs) for the non-conventional pollutants Ammonia as N and Phenols (4AAP) in the wastewater discharges from the central treatment facility at ArcelorMittal Burns Harbor, LLC through the final outfall 001. The final application was received on October 21, 2010 from ArcelorMittal for the continuance of the variances approved by EPA on February 4, 1988.

The 301(g) variance renewal application was reviewed to determine if it is complete by using the completeness checklist contained in the Technical Guidance Manual for the regulations promulgated pursuant to section 301(g) of the clean water act developed by U.S. EPA. The proposed modified effluent limits (PMELs) proposed in the variance renewal application that will replace the otherwise applicable effluent limitations based on the BAT ELGs, are identical to the PMELs approved by EPA on February 4, 1988.

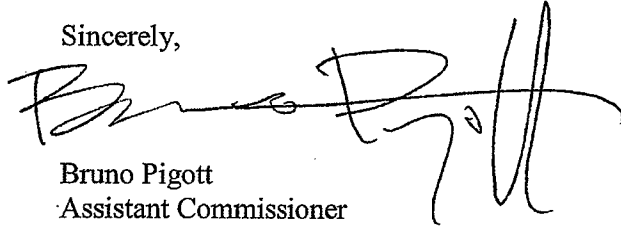
The review of the 301(g) variance renewal application confirmed that the following conditions of a 301(g) variance are met:

- (1) The proposed modified effluent limitations (PMELs) will meet the categorical BPT effluent limitations (Technology Based Effluent Limits (TBELs)) or applicable Water Quality-Based Effluent Limitations (WQBELs), whichever are more stringent;
- (2) The PMELs will not result in any additional requirements on other point or non-point sources;

- (3) The PMELs will not interfere with the attainment or maintenance of water quality which will protect public water supplies, aquatic life and recreational activities; and,
- (4) The PMELs will not result in the discharge of pollutants in quantities which may reasonably be anticipated to pose an unacceptable risk to human health or the environment because of bioaccumulation, persistency in the environment, acute toxicity, chronic toxicity (including carcinogenicity, mutagenicity or teratogenicity), or synergistic propensities.

Therefore, the Indiana Department of Environmental Management, Office of Water Quality, has tentatively approved the PMELs for ammonia as N and phenols (4AAP), subject to public review and comment on the proposed NPDES permit, because the PMELs will result in compliance with Indiana water quality standards and because all Section 301(g) conditions listed above will be met. If you have any questions about these recommendations, please contact Mr. Steve Roush at 317/233-5747 or at sroush@idem.in.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'Bruno Pigott', with a large, stylized flourish extending from the end of the signature.

Bruno Pigott
Assistant Commissioner
Office of Water Quality

SR/sr